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**MAR 07 2005**

NEIFELD REF.: OBSP5GARD-USC2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: Gardenswartz

USPTO CONFIRMATION CODE: 5962

SERIAL NO: 09/893,775

FILED: 6/29/2001

EXAMINER: Champagne, Donald

GROUP ART UNIT: 2121

FOR: Communicating with a Computer Based on the Offline Purchase History of a Particular Consumer

THIRD 37 CFR 1.114 AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

Sir:

Please amend this application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begin on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

MAR 07 2005

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

ATTORNEY DOCKET NUMBER: OBSP5GARD-USC2  
U.S. APPLICATION NUMBER/PATENT NUMBER: 09/893,775  
FILED/ISSUED: 6/29/2001  
EXAMINER: Champagne, Donald  
GROUP ART UNIT: 2121  
USPTO CONTROL NUMBER: 5962

**PAYMENTS:** The Commissioner is hereby authorized to charge the USPTO fees for this filing to Deposit Account Number 50-2106. USPTO fees for this filing are: 0

In the event that any additional fees are due, including any fees required for any necessary Extension of Time to make the filing of the attached documents timely, charge the fees to Deposit Account No. 50-2106. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time.

**PAPERS FILED:** The following papers are transmitted herewith:  
Amendment Cover Letter Including Authorization to Charge Deposit Account  
Third 37 CFR 1.114 Amendment  
1.34 Request for Change of Attorney Docket Number

**CERTIFICATION:** I hereby certify that the foregoing papers are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date: 3-10-05 Signature: Rebecca Brimmer  
Rebecca Brimmer, Neifeld IP Law, PC  
TEL: 703-415-0012 ext. 20

To: Fax Number: 703-872-9306  
Group Art Unit: \_\_\_\_\_

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE:

March 7, 2005 (10:36am)

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NEIFELD REF.: OBSP/5-GARDUSC2

IN RE APPLICATION OF: Gardenswartz

SERIAL NO: 09/893,775

FILED: 6/29/01

FOR: Communicating with a Computer Based on the Offline Purchase History of a Particular Consumer

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

### AMENDMENT COVER LETTER INCLUDING AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

SIR:

Transmitted herewith is an amendment in the above-identified application.

- ☐ No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement previously submitted.
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement submitted herewith.
- ☐ Additional documents filed herewith:

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	34	MINUS	42	0	× \$50 =	\$0.00
INDEPENDENT	4	MINUS	9	0	× \$200 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$360 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
		<input type="checkbox"/> Petition for Extension of Time: 1 Month			+ \$120 =	\$0.00
		<input type="checkbox"/> 2 Months			+ \$450 =	\$0.00
		<input type="checkbox"/> 3 Months			+ \$1,020 =	\$0.00
		<input type="checkbox"/> 4 Months			+ \$1,590 =	\$0.00
		<input type="checkbox"/> Terminal Disclaimer			+ \$130 =	\$0.00
		<input type="checkbox"/> Information Disclosure Statement Prior to Final			+ \$180 =	\$0.00
		<input type="checkbox"/> Other:				
		TOTAL				\$0.00

☐ A check including the amount of \$0.00 is attached.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2106.

Respectfully Submitted,

3/7/05  
Date

Nicole A. Coy  
Nicole A. Coy  
Registration No. 54,051  
Attorney of Record

Printed: March 7, 2005 (10:13am)

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